

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

DAVARRIO WEBB,

Plaintiff,

Case Number: 11-13622

v.

HON. AVERN COHN

WILLIAM FEDERSPIEL,

Defendant.

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**ORDER ADOPTING REPORT AND RECOMMENDATION (Doc. 13)**  
**AND**  
**GRANTING DEFENDANT'S MOTION FOR SUMMARY JUDGMENT (Doc. 10)**

I.

This is a prisoner civil rights case under 42 U.S.C. § 1983. Plaintiff sued defendant William Federspiel, the Saginaw County Sheriff, making claims arising from events that occurred while he was confined at the Saginaw County Jail. The matter was referred to a magistrate judge for pretrial proceedings. Defendant filed a motion to dismiss or for summary judgment on the grounds that plaintiff failed to exhaust his available administrative remedies. On June 25, 2012, the magistrate judge issued a report and recommendation (MJRR), recommending that defendant's motion for summary judgment granted because there is no genuine issue of material fact that plaintiff failed to exhaust his administrative remedies. (Doc. 13).

II.

Neither party has filed objections to the MJRR and the time for filing objections has passed. The failure to file objections to the MJRR waives any further right to appeal. Smith v. Detroit Federation of Teachers Local 231, 829 F.2d 1370, 1373 (6th

Cir. 1987). Likewise, the failure to object to the MJRR releases the Court from its duty to independently review the motions. Thomas v. Arn, 474 U.S. 140, 149 (1985).

However, the Court has reviewed the MJRR and agrees with the magistrate judge.

III.

Accordingly, the findings and conclusions of the magistrate judge are ADOPTED as the findings and conclusions of the Court. Defendant's motion for summary judgment is GRANTED. This case is DISMISSED.

SO ORDERED.

s/Avern Cohn  
AVERN COHN  
UNITED STATES DISTRICT JUDGE

Dated: July 25, 2012

I hereby certify that a copy of the foregoing document was mailed to the attorneys of record on this date, July 25, 2012, by electronic and/or ordinary mail.

s/Julie Owens  
Case Manager, (313) 234-5160